HIGH COURT OF CHHATTISGARH AT BILASPUR

Civil Revision No. 184/2006

Single Bench: Hon'ble Shri Dilip Raosaheb Deshmukh, J.

PETITIONER NON-APPLICANT

Manohar Rao Dumbhare, S/o Shri Rambhau Dumbhare, aged about 56 years, R/o Near Ambadevi Mandir, Satti Bazar, Raipur (C.G.)

Versus

RESPONDENTS APPLICANT

1. Balubhai Patel S/o Laljibhai Patel, aged about 78 years, R/o Pushpa, Smriti Ravinagar, Shukla Colony, Rajatalab, Raipur (C.G.)

2. Bhaskar Rao Dumbhare, Rambhau Dumbhare, aged about 42 years, R/o Near Ambadevi Mandir, Satti Bazar, Raipur (C.G.)

3. The Rent Controlling Authority, Raipur, Collectorate Campus, Raipur, (C.G.)

Present:-
Shri S.C.Verma, learned counsel for the applicant.
Shri M.K.Dubey, learned counsel for the respondent No.1.

ORAL ORDER

(Passed on 19th March, 2007)

The following oral order of the Court was passed by **Dilip Raosaheb Deshmukh, J.**

At the request of learned counsel for the parties, this Civil Revision is being finally disposed of at the stage of admission.

(2) Heard finally on admission.

(3) The petitioner herein has impugned the order of restitution dated 20.11.2006 passed by the Rent Controlling Authority, Raipur in Case No.11-B/121 of the year-2005-06 whereunder the landlord was required to deliver possession of the demised premises to the tenant.

(4) Brief facts are that in eviction proceedings before the Rent Controlling Authority, Raipur, a compromise was arrived at between the

68

parties. The statement of the tenant was recorded whereunder he specifically denied certain averments made in the compromise petition. The learned Rent Controlling Authority without arriving at a satisfaction that the matter was adjusted wholly or in part by any lawful agreement observed that the tenant had handed over possession of a part of demised premises to the landlord and shall deliver possession of the remainder on or before 27-07-1996. It ordered the eviction proceedings to be filed. In compliance to such an order, the Rent Controlling Authority in execution proceedings initiated by the Legal representatives of the deceased-landlord evicted the tenant on 17.08.1996 from the remaining portion in occupation of the tenant and delivered possession of the same property to the landlord. The respondent-tenant preferred a Civil Revision No.2225/1996 before the High Court of Chhattisgarh at Bilaspur questioning the legality of the order passed by the Rent Controlling Authority in execution proceedings whereunder possession of the remaining portion of the suit accommodation was delivered to the landlord. By an order dated 20-02-2006, High Court quashed the execution proceedings being illegal and irregular on the ground that the Rent Controlling Authority without arriving at a satisfaction as required under Order-23 Rule-3 of C.P.C. that an unlawful agreement has been arrived at between the parties, evicted the tenant from a portion of the demised premises. It was also observed therein that the final order dated 01.09.1992 passed by the Rent Controlling Authority did not contain any direction to evict the tenant from the suit accommodation and was therefore not executable. In pursuance to the aforesaid order passed by the High Court of Chhattisgarh, the Rent Controlling Authority ordered restitution by directing that the tenant be put in possession of the remaining portion of the demised premises.

(5) Shri S. C. Verma, learned counsel for the applicant has not been able to demonstrate any illegality in the impugned order passed by the Rent Controlling Authority. Once the High Court quashed the execution proceedings being illegal, the Rent Controlling Authority was bound to restore the status quo ante which it did by the impugned order dated,

(9)

20.11.2006. The impugned order of restitution in compliance to an order passed by the High Court of Chhattisgarh in Civil Revision No.2225/1996 vide order dated 20-02-2006 is impeccable.

(6) In the result, this Civil Revision being devoid of merit is dismissed at the stage of admission.

(7) In view of above, M.(C.)P.No.2195/2006 for grant of stay, I.A.No.386/2007 for exemption from filing English translation of the documents stand disposed of.

Certified copy as per rules.

Sd/-
Dilip Raosaheb Deshmukh
Judge

Tumane